

1 KAREN J. KUBIN (Pro Hac Vice)
KKubin@mofo.com
2 DEREK F. FORAN (Pro Hac Vice)
DForan@mofo.com
3 MORRISON & FOERSTER LLP
425 Market Street
4 San Francisco, California 94105-2482
Telephone: 415.268.7000
5 Facsimile: 415.268.7522

6 NANCY R. THOMAS (Pro Hac Vice)
NThomas@mofo.com
7 MORRISON & FOERSTER LLP
707 Wilshire Boulevard
8 Los Angeles, California 90017-3543
Telephone: 213.892.5200
9 Facsimile: 213.892.5454

10 SCOTT M. ABBOTT (#4500)
sabbott@kzalaw.com
11 JEN J. SARAFINA (#9679)
jsarafina@kzalaw.com
12 KAMER ZUCKER ABBOTT
3000 West Charleston Boulevard, Suite 3
13 Las Vegas, Nevada 89102-1990
Telephone: 702.259.8640
14 Facsimile: 702.259.8646

15 Attorneys for Defendant
BOYD GAMING CORPORATION
16

17 UNITED STATES DISTRICT COURT
18 DISTRICT OF NEVADA

19 CRAIG GAMBLE, an individual; MICHAEL
20 SIMMONS, an individual; RICHARD
21 CALDWELL, an individual, on behalf of
themselves and all others similarly situated as
referenced herein,

22 Plaintiffs,

23 v.

24 BOYD GAMING CORPORATION, a Nevada
corporation; DOES I through V, inclusive; and
25 ROE corporations I through V, inclusive,

26 Defendants.
27
28

Case No. 2:13-cv-01009-JCM-PAL

**STIPULATION TO
CONSOLIDATE CASES AND
[PROPOSED] ORDER**

(FIRST REQUEST)

1 This Stipulation is entered into by and between Plaintiffs Craig Gamble, Michael
2 Simmons, and Richard Caldwell, and Defendant Boyd Gaming Corporation ("Boyd Gaming").
3 This is the parties' first stipulation regarding consolidation. Pursuant to LR 26-4, the parties
4 believe the following facts demonstrate good cause to consolidate these matters, to set a briefing
5 schedule on plaintiffs' motion to circulate notice pursuant to 29 U.S.C. § 216(b), and to vacate the
6 briefing schedules with respect to the motions referenced below.

7 WHEREAS the complaint in *Gamble v. Boyd Gaming Corp.* was initially filed in Nevada
8 state court on May 9, 2013.

9 WHEREAS Boyd Gaming removed the action to this Court on June 6, 2013, and the case
10 was assigned to the Honorable James C. Mahan and the Honorable Peggy A. Leen.

11 WHEREAS on September 4, 2013 the Court entered an order setting a discovery schedule
12 in this matter.

13 WHEREAS the complaint in *Belmonte v. Boyd Gaming Corp.*, 2:13-cv-01043 was filed
14 on June 12, 2013 and assigned to the Honorable Gloria M. Navarro.

15 WHEREAS the complaint in *Hernandez v. Boyd Gaming Corp.*, 2:13-cv-01801 was filed
16 on October 1, 2013 and assigned to the Honorable Robert C. Jones.

17 WHEREAS on November 7, 2013, Boyd Gaming filed a Notice of Related Cases in all
18 three matters.

19 WHEREAS on November 13, 2013, the *Belmonte* and *Hernandez* cases were re-assigned
20 to the Honorable James C. Mahan.

21 WHEREAS the parties submit it would constitute a waste of judicial resources and be
22 contrary to effective judicial administration if the foregoing cases proceed independently of each
23 other.

24 NOW, THEREFORE, for the convenience of the Court, and in the interests of effective
25 judicial administration, the parties hereby STIPULATE as follows:

26 1. *Gamble v. Boyd Gaming Corp.*, 2:13-cv-01009, *Hernandez v. Boyd Gaming Corp.*,
27 2:13-cv-01801, and *Belmonte v. Boyd Gaming Corp.*, 2:13-cv-01043, shall be consolidated for all
28 purposes pursuant to Federal Rule of Civil Procedure 42.

1 2. Plaintiffs shall file a Master Second Amended Complaint in the consolidated
2 matter by Wednesday, November 20, 2013.

3 3. Plaintiffs shall file a motion to circulate notice pursuant to 29 U.S.C. § 216(b) by
4 Thursday, December 5, 2013.

5 4. Boyd Gaming shall file any opposition to plaintiffs' motion to circulate notice by
6 January 6, 2014.

7 5. Plaintiffs shall file any reply in support of the motion to circulate notice by
8 January 20, 2014.

9 6. In light of the foregoing, the following motions previously filed in this case are
10 hereby withdrawn and the briefing schedules on said motions are vacated: (1) Plaintiffs'
11 emergency motion for leave to amend complaint [ECF No. 18]; (2) Plaintiffs' motion for
12 collective action pursuant to 28 U.S.C. 216(b) [ECF No. 24]; and (3) Boyd Gaming's expedited
13 motion to vacate date to respond to plaintiffs' motion for a collective action [ECF No. 31].

14 7. The parties shall file corresponding stipulations to vacate dates in the *Hernandez*
15 and *Belmonte* matters.

16 8. The parties shall meet and confer to discuss a discovery schedule for the
17 consolidated cases. In compliance with LR 6-1 and with the Court's September 4, 2013
18 Scheduling Order in *Gamble*, the parties shall file any stipulation to extend discovery and/or
19 application to extend discovery by December 23, 2013 at 4 p.m. This stipulation and/or
20 application to extend shall address discovery in all three consolidated matters.

9. This stipulation is without prejudice to all of the parties' rights not expressly addressed herein.

Dated: November 19, 2013

Dated: November 19, 2013

COGBURN LAW OFFICES

MORRISON & FOERSTER LLP

KAMER ZUCKER ABBOTT

By: /S/ Brooke A. Bohlke
Brooke A. Bohlke

By: /S/ Karen J. Kubin
Karen J. Kubin

Attorneys for Plaintiffs
CRAIG GAMBLE, MICHAEL
SIMMONS and RICHARD CALDWELL

Attorneys for Defendant
BOYD GAMING CORPORATION

Good causing appearing, **IT IS SO ORDERED:**

Dated: November 20, 2013.


United States District Court Judge

Filer's Attestation

I, Karen J. Kubin, am the ECF user whose identification and password are being used to file this STIPULATION TO CONSOLIDATE CASES AND [PROPOSED] ORDER. In compliance with Special Order #109, I hereby attest that the other above-named signatory concurs in this filing.

Dated: November 19, 2013

/S/ Karen J. Kubin

CERTIFICATE OF SERVICE

This is to certify that on the 19th day of November 2013, the undersigned, an employee of Morrison & Foerster LLP, served a copy of the foregoing STIPULATION TO CONSOLIDATE CASES AND [PROPOSED] ORDER through the Electronic Case Filing System of the United States District Court, District of Nevada to:

Andrew L. Rempfer
Brooke A. Bohlke
Ryan H. Devine
Cogburn Law Offices
2879 St. Rose Parkway, Suite 200
Henderson, Nevada 89052

Scott M. Abbott
Jen J. Sarafina
Kamer Zucker Abbott
3000 West Charleston Boulevard, Suite 3
Las Vegas, Nevada 89102-1990

By: /s/ Karen J. Kubin
An employee of Morrison & Foerster LLP